

THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334

JANUARY 22nd, 2020
9:00 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR, CVR-CM-M

Atlanta, Georgia

APPEARANCE OF THE PANEL FROM LEFT TO RIGHT

Secretary of State Brad Raffensperger, chair

Rebecca Sullivan, vice chair

David Worley

Anh Lee

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

-- Break in speech continuity.

... Indicates halting speech, unfinished sentence or omission of word(s) when reading.

Quoted material is typed as spoken.

TABLE OF CONTENTS

PAGE:

Meeting transcript 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

MR. RAFFENSPERGER: Good morning, everyone. We'll go ahead and start. First of all, the invocation, and I'll do that. Okay.

(Invocation)

MR. RAFFENSPERGER: If you all will stand for the Pledge of Allegiance, on your left -- my left, your right.

(Pledge of Allegiance)

MR. RAFFENSPERGER: Well, before we get started, I just want to -- we will be having a new board member joining us at the next board meeting. He's been nominated by our Lieutenant Governor, Jeff Duncan, and that is Matt Mash -- Matt Mashburn, if you want to stand up? He'll be joining us, but he has not been sworn in yet, so in the interest of following protocol, we'll be waiting for that event to happen, and so that should happen. He'll be ready for the next SEB meeting that we'll have.

I guess right now we can look at the last board meeting -- approval of our board meeting minutes. We've had those in our folders. Hopefully, everyone has had a chance to review those. If you review them, if there's -- now would be an appropriate time for a motion.

MS. SULLIVAN: I'll make a motion -- I'll make a motion to approve the minutes.

MR. RAFFENSPERGER: Do we have a second?

1 **MR. WORLEY:** Second.

2 **MR. RAFFENSPERGER:** I have a first and a second. All
3 those in favor --

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** -- please signify by saying aye.

6 **THE BOARD MEMBERS:** Aye.

7 **MR. RAFFENSPERGER:** Motion carries.

8 Okay. So today we have time for public comments. It's
9 two minutes each, and we have lots of folks here, and what
10 I'll do to probably expedite this -- we are going to be
11 speaking, coming up to the podium here?

12 **MR. RAYBURN:** We've got a wireless mic.

13 **MR. RAFFENSPERGER:** Okay. So we can have some folks
14 line up, and it will just probably expedite it all, just
15 because of the time. But number one we had was Ms.
16 Hillary Holly, Ms. Liza Conrad, Ms. -- sorry, Mr. Andre
17 Fields, Mr. James Woodall, Mr. George Balbona. The first
18 five can just come and line up, and then following that
19 will be Bjorn Cole, Dr. Jasmine Clark, and John Peterson,
20 but to give you a order. So Ms. Hillary Holly?

21 **MR. RAYBURN:** Make sure you hold the mic up, and
22 please state your name and where you're from.

23 **MS. HOLLY:** Hello. My name is Hillary. I'm from
24 Atlanta. So 2020 is an important year for Georgians. We
25 are electing a President, US senators, state

1 representatives, and many local elected officials. I'm
2 here this morning to raise concerns on behalf of Georgians
3 and ask the State Election Board and the Secretary of
4 State to do its job and prepare for the 2020 elections.

5 So Georgia is attempting to implement an entirely new
6 voting system during a presidential election year. The
7 Elections Board should do everything in its power to
8 ensure that Georgians who choose to vote from the comfort
9 and privacy of their home can do so rather than stifling
10 third parties that are dedicated to increasing voter
11 participation. Requiring absentee forms to be
12 substantially in the same form as the Secretary of State's
13 application creates an unnecessary burden to the applicant
14 and does not solve a legitimate problem.

15 If and when election systems fail, the onus should be
16 not on the voter. Poll workers must be equipped and
17 required to offer voters provisional ballots and redirect
18 them to the proper precinct location if practical. Given
19 that this new election system will be unfamiliar and
20 confusing to Georgia voters, the section directing poll
21 workers to be -- verbally instruct every voter to review
22 their ballot and alert the poll worker if any changes need
23 to be made provides clarity and helps ensure every vote is
24 counted and should not be removed.

25 The state is expecting record turnout at the polls in

1 2020, so the Elections Board should be following the
2 guidelines of HB316 for the required number of voting
3 machines in the precinct. For instance, some of these
4 rules are not in compliance with HB316, such as saying if
5 this allows polling places to be used instead of
6 precincts, it allows for the double counting of early
7 voting machines for election day. When requiring the
8 number of electors at the precincts, the calculations
9 shall provide a minimum of at least 1 voting booth or
10 enclosure of each 250 electors therein a fraction or
11 thereof.

12 And before I wrap up, I would be remiss if I did not
13 call out the absurdity of misleading Georgians inside of
14 Ebenezer Baptist Church on Dr. Martin Luther King Jr.'s
15 holiday. He was a champion of voting rights, and this has
16 -- and this Board in particular has taken advantage of the
17 undoing of one of his most cherished legacies, so to stand
18 in the pulpit and declare Georgia's voting system is an
19 objectively fair -- is an absolute disgrace. And then, we
20 are good. Thank you.

21 **MR. RAFFENSPERGER:** Okay. So your name?

22 **MR. WOODALL:** Yes. This is Reverend James Woodall,
23 State President of the Georgia NAACP, resident of Atlanta,
24 GA. I stand here today to declare that our votes, our
25 election system, our election process here in the state is

1 not secure. The Secretary of State's Office and members
2 of this State Election Board has gone across the State of
3 Georgia, communicated with NAACP chapters, and taken
4 pictures with them, put them on Twitter and Facebook and
5 Instagram, telling them to smile and to say that they
6 believe that their votes are secure. As the State
7 President of the Georgia NAACP, we have committed to
8 working with the Secretary of State's Office to ensure
9 that we can do all that we can do to make sure that our
10 votes are secure, and it's unfortunate that the Secretary
11 of State's Office has decided to take this route.

12 However, we are -- continue to support working
13 together and to communicating to ensure that our votes are
14 secure, that our people, our communities feel secure. But
15 unfortunately, that is just not simply the case at this
16 present moment. Rural and metro counties alone, I mean,
17 both alike have not received all their voting machines.
18 Here we are, less than 90 days until an election, and they
19 have not received the information, the equipment, and the
20 training necessary to conduct an election.

21 We just had a situation down in Athens, GA just
22 yesterday, where there was some suggestions that maybe a
23 waiver could be processed that removes the ratio from
24 machines to voters. That's unacceptable. And so, our
25 support -- our support remains with the people of this

1 commun -- with the community that we serve, and again, we
2 say that our votes are not secure.

3 We've also submitted written comments about the
4 proposed rules. The rules are vague, quite frankly, do
5 not have an intelligible response to what it is that units
6 and organizations alike are able to do, and so we're
7 asking that there be clarity about the primary purpose of
8 what these rules are asking us to do because
9 unfortunately, right now that's just not simply the case.
10 There are several typographical errors that are included
11 in the rules, which make it way much more difficult for us
12 to actually implement those in practice. And so, if a
13 regular person, not even an attorney -- but if a regular
14 person -- matter of fact, if an attorney can't understand
15 what the purpose of those rules are, then there is no --
16 there's no way in the world that a regular intelligible
17 person would be able to decide. And so therefore, we ask
18 for there to be a review and a rejection of these rules
19 until there is clarity as to what the rules actually mean.
20 So again, I stand here and conclude with this: our votes
21 are not secure. We're not happy, and we're willing to
22 work with the Secretary of State's Office to make sure
23 that that does happen. Thank you.

24 **MR. RAFFENSPERGER:** Thank you. Mr. Balbona?

25 **MR. BALBONA:** Hi there. George Balbona, concerned

1 citizen. I have here -- and I'll give you copies for the
2 record -- a letter from Marian Schneider, the President of
3 Verified Voting, in which she says Verified Voting did not
4 recommend that Georgia purchase all ballot-marking devices
5 for all in-person voters. She also says, quote "to
6 express or imply that doing an ROA pilot demonstrates the
7 security of the system is simply not true."

8 Here's something else I find interesting. This was
9 sent to you, emailed to you on December 16th, and it says,
10 "I hope that you will share this letter with your Council
11 and your communication staff." We have the last Secretary
12 -- State Election Board meeting the next day, and you
13 didn't mention this. I'm sick of having the Georgia
14 Secretary of State's Office cherry pick their sound bites,
15 okay? You were very happy to post a incorrect [sic] quote
16 from her, but when she corrects the record, you don't
17 mention it in the State Election Board meeting. You also
18 don't mention it anywhere on your website. I know I hit
19 the good points. All right.

20 I emailed all 159 county election supervisors, and
21 I'm noticing a very disconcerting trend. I asked them
22 what equipment they have received. A lot of them haven't
23 received anything, but more disconcerting is the ones that
24 they have -- a trend that I'm seeing is they're not
25 receiving their UPS's, their uninterruptible power

1 supplies. This is going to be the power cords all over
2 again. Get on it now. You need to be able to plug in all
3 of the six tons of equipment that is not secure.

4 Last but not least, Jordan Fuches, our Deputy
5 Secretary of State, she went online and on the official
6 Deputy and Chief of Staff's Facebook page and said some
7 unflattering things about Marilyn Marks. She specifically
8 said, "drop your frivolous lawsuit. Stop getting our team
9 for Georgia off task. Get out of our way." She later
10 deleted this. By the way, that's a felony -- the public
11 record. If you don't believe it, look up 45-11-1. I
12 think she needs to be dismissed, at the very least,
13 although I would love to see her do 10 years. I think you
14 don't go get that happy hour and then go disparage people
15 on an official website. Unacceptable. Drop the mic.

16 **MR. RAFFENSPERGER:** Mr. Bjorn Cole and Dr. Jasmine
17 Clark will follow, followed by John Peterson, Dana Bowers,
18 if y'all could come up. Mr. Bjorn Cole?

19 **MR. COLE:** So I'm Bjorn Cole, citizen around here,
20 just live across the way in Oakland. So last -- for the
21 gubernational election 2018, my wife and I both voted in
22 the Butler Street Church, and I went to -- actually, I
23 went to early vote, different site, relatively short times
24 there. She at the -- at the main day for the
25 gubernational election was an over an hour wait in order

1 to vote, and I know that was one of the shorter lines in
2 kind of the metro area and in other sites. The reason I
3 rise to comment today is to suggest or request -- I see
4 there's provisions for emergency ballots to be provided,
5 ballots that are on the same level as if you were to use
6 the machines. I would like to request/suggest that a wait
7 time on the order of half an hour, maybe an hour, is
8 sufficient to allow a local county official or precinct
9 official to deploy emergency ballots in order to open up
10 more voting booths and shorten the lines, so that's on the
11 -- on the waiting point.

12 The second one -- for security, so I do a lot of
13 software development for federal government as a
14 contractor. One of the methods that we use to help audit
15 and to be sure that the right version of software is
16 loaded is to basically calculate a signature based on the
17 contents of the source code of a given piece of software.
18 I believe it would also be good for auditing and to assure
19 the public that software loads on the machines are known
20 by being able to correlate the signatures of what is
21 loaded on a given machine to a master copy from the vendor
22 or vendors of various machines. And with that, I'll go
23 ahead and end my comment. Thank you.

24 **MR. RAFFENSPERGER:** Thank you. Representative
25 Jasmine Clark.

1 **MS. CLARK:** Good morning, Mr. Secretary and members
2 of the Board. I come to you today as a State
3 Representative from House District 108 and also a Georgia
4 vote from the Lilburn area. So I'm here to strongly
5 object to the proposed rule 183-1-13-.01, which is the
6 minimum number of voting booths rule. This rule gives
7 permission to counties to create long lines by withholding
8 equipment for some or all precincts. Last session, my
9 colleagues and I in the General Assembly passed
10 legislation that says that you must have one voting
11 station per 250 active voters in a precinct. This
12 proposed rule subverts that and could lead to selective
13 disenfranchisement. Studies show that con -- studies
14 consistently show that black voters in Georgia stand in
15 line nearly twice as long as white voters on average.
16 This rule could bolster this undesirable issue for our
17 voters. How much equipment you deploy and how many e-poll
18 books and how many voting booths and how many scanners
19 makes a difference in how long voters will have to wait,
20 and high turnout elections such as what we're going to
21 experience in 2020 during peak hours, voters will have to
22 wait in lines.

23 I'm not suggesting that it is your job to make sure
24 voters never have to wait to vote, but it is your job to
25 make sure that every polling place is properly equipped

1 for the number of registered voters, and it is your job to
2 make sure that we prevent undermining legislative intent.
3 The proposed rule would allow counties to deploy as few as
4 one voting station in a precinct on election day and still
5 be in compliance. One election director has already
6 confirmed in writing that she will deploy only one machine
7 per 500 voters on average but won't commit to what that
8 means per precinct, so I submit that this rule needs to be
9 stricken. The law gives clear direction and does not need
10 further clarification. The legislature decided to give
11 voters across Georgia equal access to vote and that
12 decision should stand. Thank you.

13 **MR. RAFFENSPERGER:** Thank you. John Peterson?

14 **MR. PETERSON:** Good morning, Mr. Secretary, members
15 of the Board. My name is John Peterson. I'm a Georgia
16 voter from Cherokee County, and I'm currently attending
17 Georgia State University here in Fulton County. Last
18 month, I shared my concerns about ballot secrecy, and as
19 far as I can tell, nothing at all has been done to fix
20 this problem. Ballot secrecy is absolutely guaranteed in
21 the Georgia Constitution. It is also required by the Help
22 America Vote Act, and the law that enabled ballot-marking
23 devices says that they must permit voting in absolute
24 secrecy so that no person can see or know any other
25 elector's votes.

1 Georgia's election boards are required to conduct
2 elections in such a manner as to guarantee the secrecy of
3 the ballot, and it's absolutely clear under the law that
4 Georgia ballot secrecy is not optional, and yet, here we
5 are, months after pilot elections revealed the new ballot-
6 marking devices have a terrible design flaw that allows
7 anybody in the room to read the screens from 20-30 feet
8 away. They're huge. The new tablets are big, they're
9 bright, and they stand upright. When you choose a
10 candidate, a bar lights up across the screen, and anyone
11 familiar with the ballot can easily tell the candidate
12 selected from a distance. Anyone, poll workers, poll
13 watchers or observers, or other voters, can see exactly
14 who was chosen by voters, and the counties that are
15 waiting for the Secretary of State to solve the problem
16 have not heard anything from you about what you're going
17 to do to fix it.

18 If there is a solution that can be deployed before
19 in-person voting begins in six weeks, I'd like to hear it.
20 Why are we about to deploy 33,000 ballot-marking devices
21 that aren't able to protect the secrecy of our votes?
22 During your recent meeting, one election board member
23 asked her attorney are we supposed to follow the
24 Constitution or the State? Which law are we supposed to
25 break? And putting elec -- election board members in that

1 position is disgraceful. You should not be in a position
2 as an official of the government to have to choose which
3 law to break because superiors of yours have chosen not to
4 follow the Constitution. You spend most of your time
5 meting out penalties for those who do not follow the law,
6 so what's your answer for her, for all election
7 superintendents? Which law do they break? I ask you to
8 halt the use of the ballot-marking devices until a
9 solution can be implemented that will guarantee the
10 security of our ballots, and I urge you to add a phrase
11 guaranteeing the voter's right of secrecy to the ballot to
12 rule 183-1-12-.11, conducting elections. Thank you.

13 **MR. RAFFENSPERGER:** Thank you. We next have Dana --
14 Dana Bowers, Caroline --

15 **MS. HOLKO:** Holko.

16 **MR. RAFFENSPERGER:** Okay. Isabella Gambino and Libby
17 Seger, so Ms. Dana Bowers?

18 **MS. BOWERS:** Hi. Good morning. My name is Dana
19 Bowers, and I'm a Georgia voter from Gwinnett County.
20 Georgia is predicted to see a record number of voters in
21 the November election. With pre -- with a President and
22 two Senators to elect, political ads will be flooding the
23 airwaves and our social media pages. It will be hard to
24 ignore that -- this election year. How and where
25 equipment is deployed will make a difference in whether

1 voters are able to cast their ballots without unreasonable
2 wait times. The legislature mandated one voting booth for
3 every 250 registered voters in a precinct. The Secretary
4 of State adjusted the initial purchase after reviewing
5 voter registration trends and other data so that counties
6 will actually receive one BMD system for every 255
7 registered voters. This lets them set aside some -- some
8 for early voting and still meet the one in 250 standard
9 for precincts. Or will they?

10 With State help, every county is reviewing each of
11 the 2 -- 2700 polling places used across the state to make
12 sure they have the space and the electrical capacity to
13 house the BMD systems. Hundreds of polling places -- no
14 one has the exact number yet -- cannot fit the mandated
15 number of voting booths or there aren't enough electric
16 circuits. You can only put 6 BMD systems on a 15-amp
17 circuit or 8 BMDs on a 20-amp circuit. It's too late to
18 change polling places for the March election, so local
19 boards have -- have a dilemma. Do you have one standard
20 for some polling places and another for the rest? Will
21 some voters find more machines and shorter lines, while
22 others find fewer machines and longer lines? This is
23 exactly what the legislature hoped to avoid when they set
24 a minimum of one voting booth for every 250 voters, yet
25 here we are. You know what wouldn't cause this trouble?

1 Hand marked paper ballots. Thank you.

2 **MR. RAFFENSPERGER:** Okay. Caroline?

3 **MS. HOLKO:** Hi. Good morning. My name is
4 Caroline Holko. I'm a candidate in House District 46, and
5 I'm a voter in Cobb County. One of the things that is
6 very concerning to me is there doesn't seem to be a clear
7 consensus on what constitutes the actual vote. It's
8 defined -- federal law requires an answer. I want an
9 answer. Cobb County wants an answer. Georgia wants an
10 answer. Proposed Rule 183-1-15-.02, definition of vote,
11 removes references to DRE votes but includes only one
12 minor reference to BMD ballots, what to do in case of
13 stray marks.

14 But the larger question is: is our vote the human
15 readable portion of the printout or is it the QR code?
16 It's defined differently in two different places. One of
17 the concerns that I have about using the QR code for
18 anything: I have an app on my phone that allows me to
19 change where a QR code points to. I'm a suburban
20 housewife, and I can change QR codes, so I'm really
21 concerned about the possibility that anything other than
22 the human readable portion of the ballot would constitute
23 the vote, so that is my ask to you is that you make sure
24 that the human readable portion of the ballot is
25 officially defined as the vote in the event of an initial

1 vote, a recount, an audit, anything. I can't read a QR
2 code. I can't even learn how to read QR codes because I
3 am not, in fact, a cyborg, so please, please, make the
4 best decision, protect our votes, and make sure that the
5 process is 100% transparent and clear. Thank you.

6 **MR. RAFFENSPERGER:** Ms. Gambino?

7 **MS. GAMBINO:** Yes. Good morning. My name is
8 Isabella Gambino. Can you guess which component of the
9 new voting system created the most trouble during pilot
10 elections? The e-poll books, which failed in nearly every
11 pilot precinct at the start of voting on election day.
12 The problem was not solved in all precincts for hours and
13 only after a Wi-Fi reset of their data. And which
14 component of the old voting system created the longest
15 lines and tens of thousands of voter complaints in
16 November 2018 elections? The e-poll books, which checked
17 in many voters promptly, yet lost others and returned the
18 wrong precinct for many voters. The electronic poll books
19 tried to send Representative Jasmine Clark to another
20 precinct, but she stood her ground, pointed out that the
21 MVP page showed she was in the correct precinct and was
22 finally allowed to vote after a lengthy delay.

23 State law required a certified electors list be
24 available in every precinct to be used as needed when the
25 e-poll books don't work as intended. The certified

1 electors list has robust standards. It must be updated
2 after early voting is complete, include information about
3 who has been sent an absentee ballot, and checked for
4 accuracy, then certified by at least two of the
5 registrars. Had the certificate -- had the certified
6 electors list been consulted immediately, it's likely
7 Representative Clark would not have endured a long wait to
8 cast her ballot. You -- your proposed rules refer to
9 paper poll books or similar phrases. We urge you to add
10 certified electors list to Rule 183-1-12-.02 definitions
11 and note that all references to paper poll books are
12 deemed to mean certified electors lists, specify that
13 certified electors list shall be deemed the official
14 record in case of a conflict with the e-poll book.
15 Preventing unnecessary provisional ballots and longer
16 lines depends on it. Thank you.

17 **MR. RAFFENSPERGER:** Thank you. Ms. Libby Seger?

18 **MS. SEGER:** Good morning. My name is Libby Seger,
19 and I am a voter for Fulton County. I am also a student
20 at Georgia State University, where I am the President of
21 the Young Democrats and currently cofounding a Fair Fight
22 Action chapter. I represent the future of this state. I
23 am the rising generation of Georgia voters. This year
24 will be the first time that a lot of my peers and I can
25 vote in a Presidential election, and our right to a safe

1 and secure election is something that we're taking very
2 seriously.

3 I've been watching the roll-out of this new system
4 unfold, and I'm astounded about what I see and in the
5 worst way. I cannot believe that Athens County Clarke,
6 which is home to the largest university in the State,
7 won't receive their equipment until February 3rd, even
8 though the primary election begins in just two weeks with
9 mailed absentee ballots, not to mention that Gwinnett
10 County, along with several others, still haven't had their
11 equipment delivered yet either. Additionally, last week
12 only a handful of counties had received their election
13 management server and the software required to make
14 ballots and test equipment. Do you know that the contract
15 required all counties to have their EMS systems by January
16 20th? That was two days ago. My classmates are better at
17 hitting deadlines than that.

18 Everyone knew that it would be difficult to implement
19 a statewide roll-out of this magnitude with so little
20 time. That's why it was ordered that the State develop a
21 backup plan and test it during the November pilot
22 elections. The Cobb County hand-marked paper ballot pilot
23 election went smoothly with very few reported problems,
24 unlike every other pilot election. Some -- some say that
25 there were problems with the hand-marked paper ballots as

1 well like people checking the bubbles instead of shading
2 them in, but those are just a few instances that affected
3 only a handful of voters and most likely -- and most
4 importantly, it was easily solved. There are issues with
5 the new voting system that could affect entire counties
6 and that are not easily fixed. The State also says the
7 roll-out schedule for this was fluid, but you know what
8 schedule is not fluid? Election day and all of the
9 critical dates that come before it, so the emergency
10 ballot pan [sic] in your proposed rules is not a
11 substitute for a real plan to run smooth elections.
12 Georgia deserves better. The question is will you do
13 better? Thank you.

14 **UNIDENTIFIED WOMAN:** Brava.

15 **MR. RAFFENSPERGER:** Ms. Laura Digges, and then after,
16 if we'd start lining up, Aileen Nakamura -- Nakamura,
17 Shea Roberts, Liz Throop -- Troop -- and Jean Dufort, and
18 I apologize if I mispronounce your names.

19 **MS. DIGGES:** Thank you. Good morning.

20 **MR. RAFFENSPERGER:** Thank you. Ms. Laura Digges?

21 **MS. DIGGES:** Hi. Good morning. My name is Laura
22 Digges. I'm a Cobb County voter. There are few things
23 worse than having a uniform set of rules so badly written
24 than they cannot be followed uniformly. The new emergency
25 ballot rules are well intended. The emergency ballot

1 rules create options for poll managers, supervisors, and
2 superintendents, the folks out in the field on Election
3 day, to change the voting procedures when the uniform
4 system is not working properly. This is a very good idea.
5 The problem is these rules are inconsistent and vague.
6 Who makes the decision that an emergency exists? The rule
7 generally says the superintendent, which is the election -
8 - I'm sorry. I have nerve damage in my hands, so my hands
9 are shaking. The -- yeah, please hold it because I've got
10 nerve damage.

11 The problem is these rules are inconsistent and
12 vague. Who makes the decision in -- that an emergency
13 exists? The rule generally says the superintendent, which
14 is the election board, except where it says as -- it says
15 it's at the discretion of the election supervisor, which
16 is the election director. If neither can be reached, the
17 poll manager may act. How do you prepare for an
18 emergency? By having a sufficient number of paper ballots
19 on hand as determined by the superintendent. What is
20 sufficient? Election directors tell us that some say it's
21 5% of registered voters. Some say 35%. The choice could
22 make the difference between some voters experiencing long
23 delays or being unable to vote if there is a systemic
24 equipment failure, as happen -- happened during the pilot.

25 It appears that the emergency must be tolerated for

1 30 minutes before emergency rules can be implemented, and
2 the rules don't state when or if the poll manager can
3 revert back to the uniform procedures. Some even
4 interpret the rule to say that 30 minute wait times for
5 any reason constitute an emergency, but that can be a
6 normal condition during peak hours in a big election, and
7 they do not address what to do if it's the electronic poll
8 books causing the problem. We encourage you to make plans
9 to improve these rules within the next few weeks, so that
10 they will provide the critical guidelines needed by
11 election directors before early in-person voting begins.
12 Thank you.

13 **MR. RAFFENSPERGER:** Thank you. Ms. Nakamura?

14 **MS. NAKAMURA:** Good morning. I'm Aileen Nakamura, a
15 Georgia voter from Sandy Springs. Public observation of
16 elections build trust and helps ensure that election
17 outcomes reflect the will of the voters. Public observers
18 include groups like Election Protection, the ACLU, and
19 ordinary citizens with an interest in our elections.
20 Georgia's nearly 2500 polling places serve anywhere from a
21 few hundred voters to more than 25,000. To comply with
22 Georgia law, election officials must set up polling places
23 to ensure both voter privacy and allow public observation.
24 With the new voting system, protecting voter privacy means
25 protecting both the voting station where you make choices

1 on a tablet and print it out and the scanner where you
2 cast your vote.

3 Current rules prohibit public observers from getting
4 within 6 feet of the voting booths, but Georgia statute
5 21-2-267 states that every polling place shall consist of
6 a single room, every part of which is within the
7 unobstructed view of those present therein. The ballot
8 box and voting booths shall be so arranged in the voting
9 room within the enclosed space so to be in full view of
10 those persons in the room outside the guardrail or barrier
11 to permit the public to observe the voting without
12 affecting the privacy of electors as they vote.

13 However, during pilot elections, I observed a
14 precinct where elections officials set up check-in in one
15 room and voting booths in another, illegally blocking
16 observation and another precinct where the entire gym was
17 deemed the enclosed space and public observers were not
18 allowed inside. This cannot be what was intended. Your
19 new definition of enclosed space may be interpreted to
20 allow an elections supervisor to declare that anywhere
21 that a voter may mark a ballot, carry that ballot, and
22 scan the ballot is within the enclosed space and off
23 limits for public observation. There's an easy solution.
24 Direct the Secretary of State to supply and require use of
25 secrecy sleeves like this to protect the ballot from

1 printer to scanner, specify to the -- sorry -- specify
2 that the guardrail or barrier must be stanchions or floor
3 tape -- not solid barriers to allow visual observation and
4 clarify for local election supervisors that the enclosed
5 space should be expressly limited to the areas within 6
6 feet of voting booths and scanners. Thank you.

7 **MR. RAFFENSPERGER:** Thank you. Ms. Roberts?

8 **MS. ROBERTS:** Good morning. My name is Shea Roberts.
9 I'm an attorney and candidate for State House District 52,
10 and I'm a Georgia voter from Sandy Springs. I have to ask
11 y'all, have you really looked at the ne -- new ballot-
12 marking tablets? Have you seen them in use? What kind of
13 certification testing missed the glaring design flaw that
14 the votes cast on them can be observed from 20 to 30 feet
15 away? They literally do not comply with the law. It says
16 electronic ballot-marking devices must permit voting in
17 absolute secrecy so that no person can see or know any
18 other electors' votes. Why are we shipping 33,000 of them
19 to counties and expecting to use them in March elections
20 when we know they fail at the most basic level to comply
21 with our laws.

22 As a candidate, it's personal. While canvassing, I
23 have met voters who assure me they will vote for me but
24 are adamant no one else can know that. It's a swing
25 district thing. I think most Georgians take our right to

1 a secret ballot for granted, and we shouldn't do this.
2 It's a right guaranteed in our Constitution and backed up
3 in our statutes. Ballot secret [sic] is also required
4 federally through the Help America Vote Act.

5 In many ways, the State Election Board is the
6 compliance arm for our election system. Nearly every time
7 you meet, you hear cases where some election official or
8 another did not follow the law, and you mete out
9 consequences. How can you just sit back and watch these
10 non-compliant machines roll out to counties and into
11 voting booths? What will you do when a voter files a
12 complaint that her right to a secret ballot was taken away
13 when she was forced to use one of these new ballot-marking
14 tablets? It's a serious problem deserving of a serious
15 answer. What say you?

16 **MR. RAFFENSPERGER:** Ms. Throop?

17 **MS. THROOP:** I have visual aids. I'm Liz Throop. I
18 live in Dekalb County. I spent over 30 hours observing
19 the new voting system and speaking to voters as they left
20 the polls. I asked them if they read their printouts and
21 about half said that they could read it only with
22 difficulty. One SEB proposal says poll workers shall tell
23 voters to review their ballot and tell them that
24 magnifying devices are available. It says that voters
25 shall review their printouts. None of this addresses

1 whether voters can review their printouts in any
2 meaningful way.

3 When type is hard to read, it's extremely hard to
4 find errors. The Democratic party suggests type be
5 bigger, 12-point Ariel, but the type isn't just small,
6 it's far too close together. The printouts used in pilots
7 have less than 80% of normal line spacing. The space from
8 line to line can be increased if you use legal-sized
9 paper, and the Dominion printers and scanners accommodate
10 that.

11 A member of the State Commission said, in session, if
12 we provide the voter with a paper ballot of what they've
13 done, and they don't take the time to look at that and
14 verify, there's really nothing we can do. That's the
15 voter's responsibility. Blaming voters does not relieve
16 this body of responsibility to address the readability of
17 the printouts. Verifying printouts is the only hedge
18 offered to mitigate erroneous results. Unverifiable
19 ballots cannot lead to claims of accurate elections.
20 Thank you.

21 **MR. RAFFENSPERGER:** Thank you. Ms. Dufort?

22 **MS. DUFORT:** Good morning. I'm Jean Dufort from
23 Madison, Georgia and from Morton County. Across the
24 State, most Georgia counties enjoy true citizen oversight
25 of elections through the appointment of election boards.

1 Some oversee both elections and registrations. Some just
2 oversee elections. The rules that govern election boards
3 require appointment of most members -- certain members by
4 major parties and others by another governing body, often
5 the County Commission. We just heard today you were
6 appointed by the Lieutenant Governor, citizen boards.
7 This balance, particularly the political balance, as to
8 public confidence in our elections. The people have a
9 voice in their election boards.

10 Georgia law confers on the local elections
11 supervisor, the election board, important rights and
12 responsibilities for the conduct of elections. For
13 example, the superintendent is charged with guaranteeing
14 ballot secrecy and with certifying election results.
15 Currently, the elections superintendent is defined
16 basically as the county board of elections or in some
17 counties the judge of probate court. Separate from the
18 elections superintendent, the elections supervisor is a
19 staff position with primary responsibility for election
20 operations and is accountable, in most cases, to the
21 election board.

22 As a citizen who believes in public oversight of
23 elections and as Vice Chair of the Morton County
24 Democratic Committee, I oppose the revision to Rule 183-1-
25 12-.02, which adds election supervisor to the definition

1 of superintendent, conferring power to a paid staffer
2 normally reserved to the citizen board. While I
3 appreciate the hard work done by elections supervisors --
4 some of them are here -- I firmly believe that the
5 ultimate authority and responsibility for the conduct of
6 elections must remain in the hands of election boards.
7 County Republican and Democratic committees alike should
8 oppose this dilution of their power and advocate for the
9 peoples' right to oversee elections. Thank you.

10 **MR. RAFFENSPERGER:** Thank you. If we could have next
11 Nannette Vaughn, Joy Wasson -- Wasson, Adam Hinchliffe --

12 **MR. HINCHLIFFE:** Yes, sir.

13 **MR. RAFFENSPERGER:** And Greg Aikens and Robert Smith,
14 line up. The first one will be Nannette Vaughn. Joy
15 Wasson? Ms. Vaughn?

16 **MS. VAUGHN:** Good morning.

17 **MR. RAFFENSPERGER:** Good morning.

18 **MS. VAUGHN:** My name is Nannette Vaughn. I'm a
19 Georgia voter from Brookhaven in Dekalb County. Every
20 Board of Elections this month has had to face the truth:
21 that the March presidential primary election will be
22 underway before they meet next, and very few counties have
23 the equipment needed to conduct that election. Overseas
24 and absentee ballots go out first week of February. The
25 election management systems are running woefully behind;

1 very few counties have received theirs. With no EMS
2 system, the central server and programming that you need
3 to program ballots and test your equipment, you cannot
4 complete preparations. A draft poll worker training
5 manual just went online last week, yet it's incomplete,
6 and without a complete manual, you cannot properly train
7 workers.

8 Today, the State Election Board is meeting with plans
9 to modify many of the proposed rules after considering our
10 public comments. After this meeting, the revised rules
11 will be posted for another 30-day public review. If the
12 revised rules are accepted next month, Georgia law
13 requires 20 days before they are effective, so early
14 voting will be well underway before there are official
15 rules for elections using the new voting system, and the
16 design flaw in the voting tablets which we've heard about
17 within 20 feet of -- visually being able to see, we don't
18 have a solution in sight for that, so it's unfair to the
19 people who run elections in 159 counties, their directors,
20 and local boards.

21 Judge Totenberg ordered the hand-marked paper ballot
22 pilots so the State would have a backup plan in the event
23 their plans to implement the new system by March went awry
24 [sic] -- awry. I would ask that you consider that backup
25 plan. Thank you.

1 **MR. RAFFENSPERGER:** Thank you. Ms. Wasson?

2 **MS. WASSON:** Good morning. My name is Joy Wasson,
3 and I'm a Georgia voter from Dekalb County. I'm the kind
4 of person who likes details, and I like to research and
5 plan and do things in an orderly way. For me, watching
6 the roll-out of this new election system was like
7 fingernails on a chalkboard. It's painful, and it feels
8 so unnecessary. The Secretary of State chose the low-cost
9 bidder, whose quality score was mediocre. The vendor
10 committed to delivery by end of March, then simply to
11 satisfy the customer said we'll try to get most of the
12 equipment to Georgia by the end of December. Looks like
13 the customer isn't always right, and Dominion was truthful
14 about its capabilities from the start.

15 So where do we go from here? The March presidential
16 primary actually begins in two weeks, when UOCAVA and
17 absentee ballots go out. Deliveries are running behind
18 and precious weeks of election preparation have been lost.
19 To implement a new system well, you need more time to
20 prepare, not less. Who will make the call? When is the
21 last day that counties, including some major counties, can
22 receive equipment, test it, train workers, and conduct the
23 election? The law contemplates individual counties making
24 that decision, a very hard decision.

25 Just last night, the Athens-Clarke County Board of

1 Elections went on record saying that they are prepared to
2 leave most of the equipment in the warehouse and use hand-
3 marked paper ballots if things don't improve. They are
4 not scheduled to get their equipment until February 3, and
5 a preliminary assessment of polling places shows that many
6 cannot house the number of voting stations required by
7 law. They are not prepared to disenfranchise their
8 voters. Will you give the counties any guidance or stand
9 with the Secretary of State when he insists that things
10 are running ahead of schedule even when it's quite clear
11 that they are not? Head-in-the-sand is a terrible way to
12 run a state-wide election.

13 **UNIDENTIFIED WOMAN:** Brava. Brava.

14 **MR. RAFFENSPERGER:** Thank you. Mr. Hinchliffe?

15 **MR. HINCHLIFFE:** Good morning, Mr. Secretary and
16 members of the Election Board. My name is Adam
17 Hinchliffe, and I represent the Center for the Visually
18 Impaired, and we're located in Midtown Atlanta. Just a
19 brief description of CVI. We're Georgia's largest, fully
20 accredited, comprehensive rehabilitation facility. We
21 serve all levels of vision loss and all age groups. The
22 reason why I'm here this morning is CVI is committed to
23 ensuring that our constituents, many of whom are blind or
24 visually impaired, are prepared to utilize the new voting
25 technology that will be presented for this and future

1 elections.

2 One of the things that we examine is that there are a
3 couple of areas, some of which you've heard about, but in
4 a different way -- the printed portion of the paper
5 ballot. The one concern that we see is while it's true
6 the barcode scanner is obviously not readable, but the
7 written portion of the text of the ballot choices above,
8 where most sighted people could read the ballot, people
9 with low or no vision would not be able to do this. We
10 ask you -- and we know that you are considering rules that
11 would consider allowing independent screen reading
12 technologies -- some of which are on phones, others are
13 independent devices -- to be considered so that Georgian -
14 - Georgia voters who are blind or visually impaired can
15 securely cast their ballot, independently, securely, and
16 to make sure that the official printout which we
17 understand would be the official ballot represents their
18 electoral choices.

19 Again, ladies and gentlemen, thank you very much for
20 allowing me to speak and please know that the Center for
21 the Visually Impaired is committed to helping in any way
22 to ensure that Georgia voters who are blind or visually
23 impaired can cast their ballot accessibly, securely, and
24 independently. Thank you very much.

25 **MR. RAFFENSPERGER:** Thank you. Mr. Aikens?

1 **MR. AIKENS:** Good morning. My name is Greg Aikens.
2 I'm a voter from Dekalb County. I'm also a member of the
3 National Federation of the Blind of Georgia, and I also
4 rise to raise concerns from the blind community in Georgia
5 about the accessible -- the accessibility of the new
6 voting system. As Adam mentioned, one of our major
7 concerns is the ability to confirm the ballot that has
8 been printed out, that it is marked as we asked, but we
9 also have concerns about the usability of the system that
10 was chosen.

11 While it technically meets the definition of
12 accessibility in that it will read the screen out loud to
13 -- to someone who is blind and visually impaired who
14 cannot access it visually, it is not easy to use. These
15 concerns have been shared with members of the Secretary of
16 State's Office since before the Dominion devices were
17 chosen. They were shared again in November at a
18 demonstration that it's confusing, it's not easy to use,
19 that the audible instructions are challenging, so I -- my
20 question would be what is being done to address that with
21 Dominion? It's things that can be changed, but will they
22 be changed to make -- make instructions more clear, easier
23 to use? Will you provide a way for voters who are blind
24 and visually impaired to independently confirm the ballot
25 that was printed out? Thank you.

1 **MR. RAFFENSPERGER:** Thank you, sir. Mr. Robert
2 Smith?

3 **MR. SMITH:** Good morning. My name is Robert Smith.
4 I'm a voter from Fulton County and a member of the
5 National Federation of the Blind of Georgia. I too, as
6 the one who has gone before me, am concerned about the
7 verification of the paper ballot in that you do have the
8 capabilities of scanning your driver's license or state
9 ID. Why can't this be done when you complete your voting
10 and give in your paper ballot for verification? I think
11 the technology exists, so why don't we use this? And
12 that's my concern, and I won't go over my time, but I just
13 wanted to -- you all to know that this is a concern in the
14 blind community. Thank you.

15 **MR. RAFFENSPERGER:** Thank you. Next would be Ms.
16 Marcia Robinson, Bently Hudgins, Ms. Helen Butler, Ms.
17 Penny Poole, Edgardo Cortes, Ms. Janine Eveler, and I know
18 I read off a lot of names, but Ms. Marcia Robinson and
19 Bently Hudgins, Helen Butler.

20 **MS. ROBINSON:** Good morning.

21 **MR. RAFFENSPERGER:** Good morning.

22 **MS. ROBINSON:** My name is Marcia Robinson. I am a
23 Fulton County voter in Georgia, as well as I am a board
24 member of the National Federation of the Blind of Georgia.
25 My colleagues have already eloquently stated all the

1 concerns we have about the accessibility of the voting
2 machine. I will say that I was one of the testers that
3 actually tested the Dominion machine when you were making
4 the decision about what machine you would choose, and at
5 that point, I stated emphatically all of the concerns that
6 we've stated here today, but that machine was still
7 chosen. So going forward, my concern is that again, the
8 accessibility for the printout when it's printed.

9 However, -- and I appreciate the fact that you are
10 looking at ways to use new measures in which to scan the
11 ballot by using our electronic device which could have an
12 app that could read that. However, we have many people
13 that are blind or visually impaired who do not use smart
14 phones, who do not have an app on their phone. Some of
15 them still use flip phones, so the question arises again:
16 how are they going to read the ballots when it's printed
17 out? I hope that this will be of utmost importance to you
18 and that you would find some decision that would make our
19 right to vote accessible for everybody. Thank you.

20 **MR. RAFFENSPERGER:** Thank you. Mr. Bently Hudgins?

21 **MR. HUDGINS:** Hey, everybody. Good morning. My name
22 is Bently Hudgins, and I'm a voter in the State of
23 Georgia, recently moved up from Macon up here to Atlanta,
24 and I'm happy to be here. Thanks for having us. I just
25 want to commend the comments that were made earlier about

1 the concern of previous wait times, the lack of equipment,
2 and just the lack of clarity surrounding the proposed rule
3 changes, particularly around 183-1-13-.01. There are
4 several concerns about the lack of consistent application
5 of the new House Bill 316 around making sure that there is
6 enough machines of one per 250 voters. There is a lack --
7 additional lack of clarity around House Bill 316 for voter
8 purges.

9 But one -- there are a couple of things that have not
10 been raised that I would like to speak to you about today.
11 One, there are elections happening right now. The rules
12 changes that we're talking about are -- and the lack of
13 action is affecting, you know, current elections. And
14 additionally, so, as a part of the organization that I
15 work for, we've contacted over 4 million voters. We've
16 registered hundreds of thousands of voters, right? And
17 part of our work, we were able to get to know and be a
18 part of communities down in southwest Georgia.

19 Last year -- November we know in Georgia is hurricane
20 season, right? When the hurricane struck communities
21 across South Georgia, many people weren't able to vote. I
22 am encouraged by the attempt to clarify what deserves to
23 be considered an emergency situation, particularly in 183-
24 1-12-.02. There is an emergency definition, but like
25 people have said before, that definition is vague, and

1 it's not sufficient to meet the needs of Georgia's voters.
2 So before another hurricane season happens and as storms
3 are getting worse, we're going to see a lack of access to
4 the ballot just because of bad weather, and so what are we
5 going to do as a State when folks are physically barred --
6 so I just want to thank you for your time, and I hope you
7 do the right thing.

8 **MR. RAFFENSPERGER:** Ms. Butler?

9 **MS. BUTLER:** Good morning. I'm Helen Butler,
10 Executive Director of the Georgia Coalition for the
11 Peoples' Agenda convened by Dr. Joseph Lowry, and being in
12 the civil rights arena, one of the things that we are most
13 concerned about is protecting that right to vote for all
14 citizens. I won't be redundant. You have our written
15 comments with regards to all of the rules, which we think
16 are vague and not available for us to really implement
17 this fully, but what I've heard today is that we don't
18 seem to be ready for this election cycle. But one thing I
19 do know that I've heard that there are people that are
20 planning to reduce the number of early voting days.

21 There are plans for people to reduce polling
22 locations and because we have a new voting system, we
23 should not limit access for voters, so our concern is that
24 a) early voting days remain the same -- the same number.
25 It shouldn't be reduced because we're not ready with the

1 implementation of the new system. We shouldn't have to
2 change polling locations because of this new system.

3 We should make sure that our facilities can
4 accommodate anything that we implement in place but not
5 limit the access of voters, so we're really concerned
6 about that and want to make sure that you promulgate rules
7 to the local boards of elections that they have to follow
8 and make sure that voters have access -- total access to
9 the ballot and that if -- they are not made to drive
10 inordinate amount of distances to get access to that
11 ballot. So that is our primary concern today, in addition
12 to the things that we've already submitted in writing to
13 you with regards to the rules. So thank you very much for
14 considering those changes.

15 **MR. RAFFENSPERGER:** Thank you.

16 **UNIDENTIFIED WOMAN:** Brava.

17 **MR. RAFFENSPERGER:** Ms. Penny Poole?

18 **MS. POOLE:** Good morning. My name is Penny Poole.
19 I'm President of the Gwinnett NAACP. Firstly, in
20 conjunction with state law 21-2-285 and in conjunction
21 with the NAACP State President James Woodall and
22 Gwinnett's State Representative Jasmine Clark, I have
23 concerns. I attended the Gwinnett Board of Registration
24 meeting on last night, and as of 1/21, Gwinnett County has
25 not posted early voting, absentee ballot, or in-person

1 voting instructions or notices for the citizens of
2 Gwinnett. And secondly, during the reporting period last
3 night, Elections Supervisor Christie Rostin, she announced
4 that satellite polling places will be decreased from 19 to
5 12 voting days for the presidential preferential primary,
6 as well as the May primaries.

7 Democratic Representative Steven Day asked, who made
8 these decisions because the Board was not involved or
9 informed or did the Board make these decisions. And then
10 secondly, a citizen asked, why not use paper ballots as
11 was decided by Judge Amy Totenberg instead of creasing --
12 decreasing access to the citizens. Supervisor Rostin's
13 answer was -- and she refused to answer either. Her
14 response to these questions were [sic] that these
15 decisions were made because they were not sure when
16 machines will arrive or if they will be on time, and her
17 second response was that she stated that polling workers
18 were still not properly trained to operate these machines
19 for the citizens of Gwinnett.

20 Gwinnett County has announced illegal elections
21 decisions without the consent of the Gwinnett Board of
22 Registration and Elections. Secondly, Gwinnett County
23 will cause massive voter disenfranchisement because they
24 are suppressing the right of citizens to have equal access
25 to the ballots and to cast their votes. We are

1 immediately asking for this Board to resolve why Gwinnett
2 has chosen to take this into their hands illegally and
3 make decisions for the Board of Registration and
4 Elections. We would like this to be done immediately, and
5 we, the NAACP of Gwinnett, we demand a written response to
6 this.

7 **MR. RAFFENSPERGER:** Ms. Eveler?

8 **MS. EVELER:** Good morning. My name is Janine Eveler,
9 and I am the Director of Elections in Cobb County, and the
10 local election officials do have concerns about how the
11 Board is going to interpret the one unit for every 250
12 voters. I would just like to reiterate that the code
13 section that you're trying to interpret does say for each
14 precinct and not for each polling location, and I would
15 take care in how that is administered.

16 We do have concerns about the logistics of getting
17 the number of units that are being discussed in each of
18 the polling locations. The code section 21-2-367, which
19 is what is being interpreted that, again, does speak to
20 precinct, was originally written prior to the advance
21 voting that we have today, and it wasn't taken into
22 consideration that we are offering to every precinct
23 multiple days, multiple weeks, and multiple units in other
24 voting locations during advance voting. I would
25 appreciate that those offerings would be taken into

1 consideration in some way in the rule.

2 Also, different election types have different
3 turnout, and I can appreciate the desire for what the
4 legislature was trying to do for general elections,
5 specifically to have the maximum number of units out there
6 that we could, but for instance in the presidential
7 primaries, Cobb County has never had more than a 48%
8 turnout and 8% of that at that time was early voting. So
9 if we're going to the 250 -- for every 250, that maxes out
10 every unit that we've been allocated, and I have a hard
11 time putting that many units out when we're only going to
12 have less than 50% probably turnout. I think we should be
13 able to consider historical turnout and the type of
14 elections and let the rule account for different types of
15 election turnout. Thank you.

16 **MR. RAFFENSPERGER:** Thank you. Edgardo Cortes?

17 **MR. CORTES:** Thank you, Mr. Secretary, members of the
18 Board. I am Edgardo Cortes. I'm an Elections Security
19 Advisor with the Brennan Center for Justice. It's a law
20 and policy institute focused on justice and democracy
21 issues. Also, though, former Commissioner of Elections in
22 Virginia and a former local election official. The
23 Brannen Center along with Common Cause on behalf of Common
24 Cause Georgia did provide some more extensive written
25 comments with recommendations for how to strengthen and

1 clarify the proposed rules, but I do want to highlight a
2 couple of things.

3 There's been a lot of discussion around the -- the
4 number of machines allocated per precinct. We definitely
5 think that the language that's in the proposed rule is
6 unclear and could lead to some of the bad outcomes that
7 have been discussed today, and so, providing, you know --
8 taking out of the equation, dealing with advanced voting
9 and early voting out of the equation for planning for
10 election day I think would be appropriate.

11 The other thing I wanted to focus on was the issue of
12 both emergency ballots and provisional ballots. The rules
13 state that a number of -- that a sufficient number of
14 these ballots should be provided. We would recommend that
15 there would be more -- clearer guidance provided to local
16 election officials about what that means. We generally
17 advocate for having two to three hours' worth of peak
18 voting in terms of backup ballots and provisional ballots.

19 In Georgia, based on the last few elections, you're
20 looking at an average of about 35%, so having either the
21 two to three hours of peak voting for each local to do it
22 based on their specific locality or a blanket 35%
23 threshold for the number of emergency paper ballots to
24 have on hand and provisional ballots to have on hand we
25 think would help strengthen the efforts that you have to

1 prevent long lines from forming should the machines go
2 down. And we do -- we are appreciative of the fact that
3 the Board is having this discussion, discussing these
4 proposals in an open and transparent setting. We think
5 it's important to allow this sort of input as you're
6 dealing with these tough election security and preparation
7 issues, and we look forward to working with you as you
8 move forward. Thank you.

9 **MR. RAFFENSPERGER:** Thank you. If we could have
10 Gaylon Tootle and Susan McQuethy?

11 **MR. TOOTLE:** Good morning.

12 **MR. RAFFENSPERGER:** Good morning.

13 **MR. TOOTLE:** My name is Gaylon Tootle. I'm a Richmond
14 County voter. I work for Walter Knopshin's Center for
15 Independent Living. I'm a part of Rev Up Georgia, and I'm
16 here with my colleagues from the National Federation of
17 the Blind. We again -- I won't be redundant. We have
18 expressed our concerns about the confirmation -- the
19 confirmation of the ballot. We've heard a lot of
20 different issues that seem to be going on with the voting
21 system, and the picture looks bleak. And then, when you
22 couple that with -- normally with mass confusion, normally
23 what comes along with that is marginalization of
24 vulnerable people in marginal populations. So it is
25 imperative that we come up with a better solution for

1 confirming our ballots, and we, in the National Federation
2 of the Blind of Georgia, we feel that there's a simple
3 solution to that and that is by providing iPads or tablets
4 at each polling -- scanning position so that we can verify
5 our ballots. And when we say verify our ballots, putting
6 it where the goats can get it, that simply means that we
7 want to be able to read the ballot once we have printed
8 it, and we can say okay, I voted for such-and-so, and it
9 is here on this paper.

10 We understand that in this time that voter
11 suppression, voter whatever you would like to call it --
12 we want to make sure that the process is accessible from
13 beginning to end. Voting is a right and not only that,
14 accessibility is the law. So let's follow the law, and,
15 again, the National Federation for the Blind of Georgia,
16 we're here to assist with this process because we care,
17 and we want to exercise our right to vote in a clear,
18 transparent, and legal way. Thank you.

19 **MR. RAFFENSPERGER:** Thank you.

20 **MS. MCQUETHY:** Good morning. My name is Susan
21 McQuethy. I'm a DeKalb County voter. My concern is with
22 the burden on voters to have to verify that a machine
23 recorded their votes correctly. These new ballot-marking
24 devices add a whole new level to the voting process. A
25 level that is unreasonable and in cases bordering on

1 impossible. Voters are expected to find errors on
2 barcoded ballots that are in a completely different format
3 from the machines, and that makes it cognitively
4 challenging for many, many voters. As we've been hearing
5 all morning, the summaries do not provide the full
6 spectrum of choices, and they are printed in tiny, cramped
7 font, so it is no wonder that voters take little or no
8 time to go through this ordeal, and research proves that
9 they don't.

10 In the recent University of Michigan study, fewer
11 than 7% of voters took adequate time to notice deliberate
12 discrepancies that had been printed on their summaries.
13 In an April 2019 report, voters spent an average of 3.9
14 seconds to review printouts that summarized 18 contests.
15 The design of this system puts the onus on poll workers to
16 provide interventions to better ensure the security of the
17 vote. The January 13th, 2020 letter from the Brennan
18 Center to the Secretary of State's Office, as well as the
19 Michigan study, suggests that verbal prompting be provided
20 to the voter after the barcoded ballot is printed before
21 they are scanned.

22 This means that more poll workers must be recruited,
23 and that means more cost and more training. Is this part
24 of the plan? Have you taken measures to mitigate this
25 serious flaw in the new system? Are provisions in place

1 to fully fund this mitigation? Audits have no credibility
2 if they're performed using unreliable data, and hacking of
3 elections is still possible, and the chances of it are
4 made worse if malicious operators know that so few voters
5 are likely to notice errors. The security of our
6 elections is on the line. I trust that you are committed
7 to providing resources for the necessary interventions.
8 Thank you.

9 **MR. RAFFENSPERGER:** Thank you.

10 (Applause)

11 **MR. RAFFENSPERGER:** Well, thank you for your public
12 comments. For the last month, we've been working on the
13 rules. They were posted after the last meeting that we
14 did have, and I thought perhaps the best thing to do is to
15 let our Chief Counsel, Ryan Germany, just get us up to
16 speed with where we are, and take it from there, Ryan.

17 **MR. GERMANY:** Is this one on? Okay. Hello. Thank
18 you. Thank you, Mr. Chairman, members of the Committee.
19 Yeah, so since the rules were posted, we have received and
20 reviewed public comment. Thank you. So since the rules
21 were posted, we have received and reviewed public comment.
22 The rules working group that -- that this Committee set up
23 met to talk about how we should proceed, so today I have a
24 couple new rules to propose to the Board to post for
25 public comment, and then, some amendments to the rules we

1 posted last time for your consideration as well.

2 **MR. RAFFENSPERGER:** So as we've been discussing this,
3 I think all the Board members are aware of this and many
4 of the people that have reached out to us, because of the
5 timeline that we're on, it's felt -- and I guess there'll
6 be a motion at some point, but what seems might work best
7 is to actually -- we would implement the rules that have
8 already been posted, and then, obviously then they would
9 then become the rules, but then we would consider amending
10 those rules further to further tweak this and hone down
11 the rules as we want them. And this, we do think that
12 this will be a process that will take a few iterations,
13 and we want to continue to improve elections in Georgia,
14 and we want to continue to take input from all the key
15 voters and stakeholders in the election process in
16 Georgia.

17 **MR. GERMANY:** Yes, sir. That's what I recommend:
18 that for certain rules that we have posted that we adopt
19 them, and then, in addition to voting to adopt them, we
20 vote to post the amendment -- the amended rules that I'm
21 going to propose, and then, we'll come back in another 30
22 days and consider -- consider those amendments to the
23 posted rules.

24 **MR. RAFFENSPERGER:** So any comments from the Board
25 for -- general comments for the public or direct them to

1 Mr. Germany?

2 **MR. GERMANY:** And what I was going to do, Mr.
3 Chairman, if it's all right with you --

4 **MR. RAFFENSPERGER:** Okay.

5 **MR. GERMANY:** -- is first off, present the new rules
6 for the Board to consider posting for public comment and
7 then, I'll go through the rules that we've already posted,
8 but --

9 **MR. RAFFENSPERGER:** Okay.

10 **MR. GERMANY:** -- obviously, subject to the Board's
11 pleasure.

12 **MR. RAFFENSPERGER:** Proceed.

13 **MR. GERMANY:** Okay. The -- the first rule -- it's in
14 your binders, I believe, back in tab 8 -- is a rule about
15 assistive technology devices. This rule allows disabled
16 electors who are entitled to receive assistance to use an
17 assistive technology device to help the elector review
18 their paper ballot prior to casting.

19 **MR. RAFFENSPERGER:** It's actually tab 7.

20 **MR. GERMANY:** Tab 7, I'm sorry. Any -- so this
21 basically clarifies that especially visually disabled
22 voters can use their assistive technology devices to
23 review their paper ballot and doing so would not be a
24 violation of the general rule that prohibits phones or
25 other technology use in the polling place. So I would ask

1 the Board to post that rule for public comment.

2 **MR. RAFFENSPERGER:** Does this bill -- this proposed
3 rule come from input from the ADA community?

4 **MR. GERMANY:** This is based on the input that we've
5 received from the ADA community that they've brought up
6 today and also previously in demonstrations that we have
7 done with that community.

8 **MR. WORLEY:** Mr. Secretary, I would make a motion
9 that we post the rule on assistive technology devices.

10 **MS. SULLIVAN:** Second.

11 **MR. RAFFENSPERGER:** Discussion of this rule from the
12 Board? Hearing none, I'll call for a vote. All those in
13 favor of posting this new rule for assistive technology
14 devices as presented, signify by saying aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. RAFFENSPERGER:** Those opposed? Motion carries.

17 **MR. GERMANY:** Thank you, Mr. Chairman. The next rule
18 in the following tab in your binders is a rule about
19 recounts clarifying that now with a paper ballot system,
20 recounts will be conducted by rescanning all the -- all
21 the ballots, and it goes through how to -- the process
22 that an elections supervisor should go through in doing
23 recounts.

24 **MR. RAFFENSPERGER:** Any comments from the Board? Do
25 I have a motion?

1 **MS. SULLIVAN:** I'll move that we post the new rule
2 regarding recounts for public comment.

3 **MR. WORLEY:** I'll second that.

4 **MR. RAFFENSPERGER:** Okay. Do we have any discussion?
5 Hearing none, all those in favor of posting the new rule
6 for recounts, signify by saying aye.

7 **THE BOARD MEMBERS:** Aye.

8 **MR. RAFFENSPERGER:** Those opposed? Motion carries.

9 **MR. GERMANY:** Thank you, Mr. Chairman. Moving
10 forward to the rules that have already been posted, so I'm
11 going to -- going to go through them kind of by chapter,
12 so the first one should be the next page in your -- the
13 next tab in your binder is the rules with the amendments
14 that -- that I'm going to propose today. The first one is
15 the rule, so 183-1-6. It deals with required activities
16 for third party voter registration. The public comment
17 brought forward some -- basically some typos in the -- in
18 the posted rule, and so I would ask the Board that we
19 repost the rule as amended to correct -- correct those
20 typos. This is one -- unlike some of the later ones, I
21 don't think it's critical that we adopt it. I think we
22 just vote to repost, and then we'll consider it next
23 month.

24 **MR. RAFFENSPERGER:** Any comments from any Board
25 members? Do we have a motion?

1 **MR. WORLEY:** I'll make a motion that we post for
2 comment rule 183-1-6-.02(6) and rule 183-1-6-.02(7) for
3 public comment.

4 **MR. RAFFENSPERGER:** Do we have a second?

5 **MS. LE:** I'll second.

6 **MR. WORLEY:** As amended for public comment.

7 **MR. RAFFENSPERGER:** As amended.

8 **MS. LE:** I'll second that.

9 **MR. RAFFENSPERGER:** Any discussion on the motion?
10 Hearing none, call to question. All those in favor of the
11 proposed posting of the amended rule 183-1-6-.02(6) and
12 (7), all those in favor say aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed? Motion carries.

15 **MR. GERMANY:** Thank you, Mr. Chairman. The next --
16 the next rule is rule 183-1-12. This is one that I will
17 ask the Board to adopt the posted rule because it deals
18 with, I think, things that are critical to be in place
19 before voting begins, such as storage, transport of
20 machines, logic and accuracy testing, and polling place
21 set-up, etc. But what I'm going to go through now are the
22 amendments, so I'm going to ask the Board to adopt the
23 rule that we posted last month, and then, to post a new
24 rule that we will come back -- that basically amends that
25 adopted rule. So however you'd like to handle it when we

1 go through the amendments now --

2 **MR. RAFFENSPERGER:** I'd rather -- my preference would
3 be to clear the deck, and let's approve it, and then,
4 let's talk about the amendments if that's desirable?

5 **MS. SULLIVAN:** Sure. I'll make a motion to adopt
6 rule 12 as originally posted.

7 **MR. RAFFENSPERGER:** Do we have a second?

8 **MR. WORLEY:** I'll second that.

9 **MR. RAFFENSPERGER:** Do we have any discussion on
10 that? Hearing none, all those in favor of adopting the
11 rule 18-3- -- 183-1-12-.01 as posted -- through 19 as
12 posted, signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed? Motion carries.
15 Okay. Now, Mr. Germany, your proposed recommendations?

16 **MR. GERMANY:** Yes, sir. And the proposed revisions
17 are -- I'm not sure the tab in your binder, but it's the
18 red line version, and these are based on the comments we
19 received, and I do want to thank the people that
20 commented. Some of them are bringing forward issues we
21 missed such as typos, and so we're correcting those, and
22 we're also making some substantive changes. The
23 substantive changes we are making are -- I'll basically go
24 through them, not all them, but the main ones.

25 So from -- some of the county election officials

1 raised the point -- and I will say on our rules working
2 group is Lynn Bailey, who is the Elections Director for
3 Richmond County, and she has put in so much time and
4 effort, and I just wanted to call a moment to appreciate
5 her, as well as she has sent these rules to other
6 counties, and we have received comments from many counties
7 to help us make these rules better including Ms. Eveler
8 from Cobb County and many others, so I just want to thank
9 the counties for their help in -- in getting these rules,
10 as well as the other commenters.

11 The first change is making a slight change to the
12 storage requirement to basically clarify that counties can
13 store these machines in a manner that protects them from
14 damage, so making it a little less stringent in terms of,
15 you know, they don't have to store them in their original
16 packaging like we said, but if they come up with another
17 way that protects them from damage that that's sufficient.

18 The other change we are clarifying is there's some
19 requirements in the posted rule that require things to be
20 posted on a webpage, such as in this rule the logic and
21 accuracy testing dates, and we're clarifying that that
22 needs to be posted on the county election board's homepage
23 so it's not lost, or if it's not available on a webpage,
24 then -- if they don't have an election board webpage, then
25 in a newspaper of general circulation or another prominent

1 location in the county. So we're clarifying that.

2 We're clarifying that we've received some comments
3 about accredited poll watchers to ensure that accredited
4 poll watchers can have the access that they are entitled
5 to under the law, so I put some changes throughout to
6 clarify that accredited poll watchers must be able to
7 observe certain processes, where -- whether it's the setup
8 process, election day voting, or -- or tabulation, but
9 cannot interfere with that. There was some back-and-forth
10 at the rules working group. There was a proposal to allow
11 certain photography of certain things at tabulation, and I
12 think Mr. Worley will speak to that after -- after this,
13 after I go through this. But there was -- that's not
14 included in this, but Mr. Worley can -- can bring that up.

15 One thing that we do add that's a pretty substantial
16 change is from the emergency ballot situation. We're
17 adding a clause based on a comment we received that for
18 any primary or general election for which a state or
19 federal candidate is on the ballot, a sufficient amount of
20 emergency paper ballots shall be at least 10% of the
21 number of registered voters to a polling place. That's to
22 try to -- we're not taking out the requirement that a
23 county provide a sufficient number, so a sufficient number
24 may be more, but we're providing this basically as a safe
25 harbor and some guidance.

1 **MR. RAFFENSPERGER:** So as -- as a floor?

2 **MR. GERMANY:** Yes, sir. We're making some changes.
3 One significant change we're making is based on the paper
4 done by Matt Bernhardt with the University of Michigan
5 that basically identified certain interventions that are
6 helpful in making people review their paper ballot. And
7 as one commenter pointed out, the -- the real helpful
8 intervention occurs after the printed -- the paper ballot
9 has been printed and before it's scanned. I think
10 previously we had posted that you need to be told to
11 review your paper ballot at the beginning of the process.
12 That study showed that really, it's more helpful after the
13 paper -- after the ballot has been printed, so we're
14 putting in a requirement that -- that each scanner has a
15 poll officer stationed there. That was already required,
16 but that that poll officer stationed at the scanner has to
17 verbally remind each paper -- each voter to review their
18 paper ballot, so we're putting that at that point in the
19 process.

20 Let me see what else. Another change we're making to
21 this is dealing with provisional voters. We're adding a
22 requirement that -- you know, one thing that happens in
23 provisional, when a provisional voter shows up, it can be
24 complicated for them to decide what they should do, and
25 it's a lot to put on a poll worker to try to basically

1 tell them what to do, so -- and that's kind of something
2 we want because it's not up to the poll worker to decide
3 whether their, you know, that vote should count. It's up
4 to the registrar to determine that at a later process, so
5 the existing rules I think adequately kind of update our
6 instruction to let the voter know here's basically your
7 options.

8 What we're adding in this rule is that each polling
9 place shall have an information sheet developed by the
10 Secretary of State available for voters that basically
11 describes the relevant law regarding a provisional voter,
12 so, you know, especially if you're -- if you're registered
13 in that county but you're not in the right precinct, if
14 you can't get to your regular precinct, then your
15 provisional ballot may be considered an out of precinct
16 ballot, and the votes that you're eligible to vote for
17 would be counted. But if you're registered in a different
18 county, then your votes wouldn't count. And so then, a
19 voter has to make that determination at the outset
20 dependent upon when they moved, you know, if they moved
21 after the registration deadline, they can go back to their
22 previous county. If they didn't, they really can't, so
23 the idea is instead of having a poll worker trying to make
24 these sort of legal factual determinations, we'll develop
25 something that poll workers will have available that they

1 can give the voter to try to assist them in making that
2 determination. I believe that is the only -- that that's
3 the final substantive change we're making.

4 **MR. RAFFENSPERGER:** Any comments?

5 **MR. WORLEY:** I'd like to make some comments about the
6 revisions that were made to this particular rule, and I
7 believe there is one other revision in here that Mr.
8 Germany didn't mention, but a provision was added that if
9 a poll officer observes a voter attempting to leave an
10 enclosed space with a paper ballot, they shall inform the
11 voter of the consequences of not depositing it in the
12 ballot scanner --

13 **MR. GERMANY:** That is correct.

14 **MR. WORLEY:** -- which is an important provision. I
15 was a member of the working group that worked on these
16 provisions that reviewed all of the comments that were
17 presented, and I'd like to thank the other member of the
18 working group, Mr. Germany, Mr. Rayburn, Lynn Bailey from
19 Augusta, Ms. Sullivan, Ms. Fuches, and Mr. Harvey, for all
20 of their very hard work on revising the -- or on drafting
21 the original amendments and then reviewing the comments
22 and making revisions. I think everyone operated in very
23 good faith to try to reflect as many of the comments as
24 were possible in the rules. This rule in particular I
25 think does some very good things, and especially as it

1 relates to provisional ballots, providing uniform
2 information to voters across the state so that they can
3 determine whether they should cast a provisional ballot
4 and what will happen when their provisional ballot is
5 cast. That, I think, will provide very needed uniformity
6 across all the precincts in the state on that.

7 There is one additional thing that I would like to
8 add to these -- to these amend -- amended rules, and if
9 the Board wishes, and we pass this rule as amended again
10 for further public comment, at that point I'd like to make
11 a motion relating to photography after the polls are
12 closed. But -- but to sum up, I think these -- I think
13 these revisions, amendments are very well thought out and
14 necessary, and I support them.

15 **MR. GERMANY:** So do we want to, Mr. Chairman -- do we
16 do these here from Mr. Worley's amendment and then we can
17 decide and -- do you want me to kind of explain that
18 provision, Mr. Worley or would you --

19 **MR. WORLEY:** No. I'll --

20 **MR. GERMANY:** Okay.

21 **MR. WORLEY:** I'll be happy to --

22 **MR. GERMANY:** Sure.

23 **MR. WORLEY:** -- explain it. One of the suggestions
24 that we had to this provision of the rules was to
25 specifically state that accredited poll watchers shall be

1 allowed to observe the process as long as it's in a manner
2 consistent with the operation of the polls. A suggestion
3 that we had was to add language that would allow
4 accredited poll observers to photograph several parts of
5 the paperwork in the poll after the polls were closed,
6 including the provisional ballot recount sheet, the
7 numbered list of provisional voters, and so, the purpose
8 for that recommendation was that provisional ballots --
9 that voters have three days to cure problems with their
10 provisional ballots.

11 Right now, anyone who wants to assist the prov -- the
12 provisional voters in reviewing those ballots can make an
13 Open Records request, but they won't get that Open Records
14 request until the time is expired for the voters to cure
15 their problems. So by allowing accredited poll observers
16 to -- after the polls are closed -- to photograph a list
17 of the numbered list of the provisional voters, those
18 entities, and those are usually the Democratic and
19 Republican party, can go to those voters and assist them
20 in information that they might need to cure their
21 provisional ballot to make sure that that ballot is
22 counted. And so, I think that's a very good idea, and so
23 I wanted to add an amendment at the appropriate place.

24 **MS. SULLIVAN:** Mr. Worley, can you --

25 **UNIDENTIFIED MAN:** Can you please speak up?

1 **MR. RAFFENSPERGER:** Sure.

2 **UNIDENTIFIED MAN:** Thank you.

3 **MS. SULLIVAN:** Do you mind?

4 **MR. RAFFENSPERGER:** Yes.

5 **MS. SULLIVAN:** Mr. Worley, can you tell us where
6 you're amending the rule and read that language to us,
7 please?

8 **MR. WORLEY:** Yes. The rule --

9 **MR. RAFFENSPERGER:** What page?

10 **MR. WORLEY:** -- would be on page 19 of 33 at tab 10
11 of the book. It's an amendment to rule 183-1-12-.12
12 (a) (8).

13 **MR. RAFFENSPERGER:** Okay.

14 **MR. WORLEY:** And I would just -- the amendment would
15 add language after the existing section 8 to just say
16 after the tabulation of results on election day as been
17 completed, accredited poll watchers shall be permitted to
18 photograph the tape of tabulated results referenced in
19 section 1, provisional ballot recap sheet -- the
20 provisional ballot recap sheet referenced in section 3,
21 and the numbered list of provisional voters.

22 **MS. SULLIVAN:** Thank you.

23 **MR. RAFFENSPERGER:** But it wouldn't just be -- as I
24 read that, it's not just provisional, so it's the entire
25 tape that normally gets posted on the, you know, --

1 **MR. WORLEY:** Right.

2 **MR. RAFFENSPERGER:** -- precinct windows.

3 **MR. GERMANY:** The tape is posted on the door, so
4 there's no issue with people -- anyone could photograph
5 that. And I would say, I don't have an objection, per
6 say. I would describe it as more hesitation, and the
7 reason is poll watchers now in the statute are not allowed
8 to use photography or review electors lists, so I think
9 it's more a question of is this -- and I think so there's
10 a question of well, if it's after the polls close, is that
11 prohibition basically lifted?

12 Outside the enclosed space, I think there's no --
13 never a prohibition is my understanding, so for instance
14 photographing the tape on the door would never be a
15 problem for anybody. Would -- this would allow the
16 accredited poll watchers of the parties and the candidates
17 -- so the Republican, Democrat, Libertarian parties and
18 then, if any candidates have accredited poll watchers --
19 to allow them to photograph these things, and I think the
20 -- I don't have any objection to the reasoning that they
21 want to get that information sooner --

22 **MR. RAFFENSPERGER:** I understand.

23 **MR. GERMANY:** -- because those voters --

24 **MR. RAFFENSPERGER:** It's the first time that we've
25 heard it today, but I know -- has the working group been

1 working on this one or is that...?

2 **MR. GERMANY:** We've worked on it. We discussed it on
3 Friday. Lynn Bailey, from a county perspective, said she
4 didn't have an issue with it because those documents are
5 basically -- are basically public anyway, so it's kind of
6 -- my hesitation is basically going from a place where
7 poll watchers are not allowed to use photography to one
8 where they would be. And again, I'm not -- I wouldn't say
9 I object. I would say I'm hesitant about making that
10 leap.

11 **MR. WORLEY:** Well, I -- I think the amendment as I've
12 offered it makes it clear that this is to be done after
13 the tabulation of results on election day have been
14 completed. I'd be willing to revise it additionally by
15 putting in language saying that -- or putting in a clause
16 that adds the phrase outside the enclosed area to make it
17 clear that they should review these outside the enclosed
18 area.

19 **MR. GERMANY:** I think that documentation and
20 verification would occur inside the enclosed area, and I'm
21 not sure we want to change that, so it's really a question
22 of do we want to allow that, and, again, it's just a kind
23 of hesitancy.

24 **MR. RAFFENSPERGER:** We're going to be back here in a
25 month to revisit other rules. Can we post this as -- as

1 another one of those and then it would give us the time
2 just to go back, have further discussions, and get
3 everyone on board? Because I think the -- the rules that
4 have been posted today, the amended rules, I think have
5 buy-in from everyone. It's just that timing factor, so if
6 we could just do that and revisit that. I'd feel most
7 comfortable with that, and then, we would probably get
8 additional public comment on that also at the same time,
9 if that would be agreeable?

10 **MR. WORLEY:** Sure. Sure.

11 **MR. RAFFENSPERGER:** So I guess stick with what we
12 have right now, what's presented, and then we'll vote on
13 that, and then, we would --

14 **UNIDENTIFIED WOMAN:** We can't hear you.

15 **MR. RAFFENSPERGER:** -- consider to -- post this as
16 another proposed amendment. Is that...

17 **MR. WORLEY:** That would be fine or we can adopt it
18 and still have it -- I mean, it still won't be final until
19 we get some public comment on it and vote -- and vote on
20 it again.

21 **MS. LE:** They can't hear.

22 **MS. SULLIVAN:** You need to pull up your mic.

23 **MS. LE:** They can't hear in the back.

24 **MR. RAFFENSPERGER:** Well, when it comes back -- when
25 it --

1 **UNIDENTIFIED WOMAN:** We can't hear.

2 **UNIDENTIFIED MAN:** Please speak into your mic.

3 **MR. RAFFENSPERGER:** I'd rather keep it stand alone
4 just so that -- just because of the time factor, because
5 if it doesn't move forward and we want to take it out,
6 it's a reposting --

7 **UNIDENTIFIED WOMAN:** We can't hear. We can't hear.

8 **MR. RAFFENSPERGER:** We'd have to remove it down. I
9 guess the mic level is turned very low today.

10 **MR. WORLEY:** I'm perfectly fine doing it as a
11 standalone amendment.

12 **MR. GERMANY:** So I think the relevant action from the
13 Board would be post rule 12 as amended and then another
14 vote to post Mr. Worley's amendment, and we'll post them
15 separately.

16 **MR. RAFFENSPERGER:** Okay. Do we have a motion?

17 **MS. SULLIVAN:** I'll move to post rule 12 as amended,
18 as presented to the Board today by Mr. Germany.

19 **MR. WORLEY:** I'll second that.

20 **MR. RAFFENSPERGER:** Do we have any further
21 discussion? Hearing none, all those in favor of posting
22 rule 183-1-12-.01 as presented by Ryan Germany, please
23 signify by saying aye.

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any opposed? Okay. Mr. Worley?

1 **MR. WORLEY:** And I would make a motion to amend rule
2 183-1-12-.12, tabulating results, section (a)(8), to add
3 language after "poll officials period" to state after the
4 tabulation of results on election day has been completed,
5 accredited poll watchers shall be permitted to photograph
6 the tape of tabulated results referenced in section 1, the
7 provisional ballot recap sheet referenced in section 3,
8 and the numbered list of provisional voters.

9 **MR. RAFFENSPERGER:** Is that a motion?

10 **MR. WORLEY:** That's a motion.

11 **MR. RAFFENSPERGER:** Do we have a second?

12 **MS. SULLIVAN:** Second.

13 **MR. RAFFENSPERGER:** Any further discussion? Hearing
14 none, all those in favor of posting the amendment as
15 presented by Mr. Worley, please signify by saying aye.

16 **THE BOARD MEMBERS:** Aye.

17 **MR. RAFFENBERGER:** Any opposed? Motion carries.
18 They will both be posted.

19 **MR. GERMANY:** The next rule is the one that we
20 received the most public written comments I would say and
21 also the one we probably had the most verbal comments this
22 morning on. It's probably the thorniest issue to try to -
23 - to try to solve, and it's minimum number of voting
24 booths.

25 So since we are now moving back to an optical scan

1 voting system, it basically resurrected a section of
2 Georgia code that had a minimum number of voting booths in
3 place when using an optical scan voting system. That
4 section of code was enacted a long time ago prior to early
5 voting, and the fact is, for instance in November of 2018
6 and as the usual decrease in general elections, about half
7 of the total voters vote early. So what we're trying to
8 do -- and I think the point of the code -- the point of
9 the code section is not really -- you know, the ratio is
10 not the issue. I think the issue is they don't want
11 voters to have to wait in line, and having a sufficient
12 number of machines is one way of going after that, but
13 it's not, you know, it's not the ill that they're trying
14 to pro -- the legislature is trying to prevent in my view.

15 So the rule we proposed was basically -- the rule we
16 posted was basically to have to allow counties to consider
17 the number of voting machines, ballot-marking devices,
18 that they use on the last day of early voting to take into
19 account that there's many more opportunities for voters to
20 vote than just at their precinct on election day. I don't
21 -- I don't think we received a single comment kind of
22 supporting that rule. People raised the point that for --
23 for big counties that have a lot of early voting, which is
24 a good thing, they can basically -- they wouldn't have to
25 have enough voting machines on election day. Now, for 145

1 counties, they wouldn't have that issue, but, you know, we
2 have -- we have counties of all sizes in our state.

3 The way the rules working group is suggesting to
4 amend this is -- and also, we were concerned, and maybe
5 Mr. Worley can speak to this, that basically the rule we
6 posted would be -- would face legal challenge as to
7 whether or not it sufficiently kind of -- in compliance
8 with the statute. So the amendment that we're trying --
9 that we're proposing today is instead of counting the
10 early voting machines and adding them to election day is
11 defining the term electors as used in the statute to
12 subtract the electors who have already voted. As Ms.
13 Bailey pointed out this morning and Ms. Eveler from Cobb
14 County also pointed out, that doesn't really help in
15 smaller -- it doesn't take into account the reality that
16 elections are different.

17 This year we're going to have a presidential
18 preference primary, a general primary, a general primary
19 runoff probably, and then a general election in November,
20 and they'll all going to be different. The November
21 election is going to be a massively bigger turnout than
22 the PPP. Traditionally, election officials have been able
23 to take that into account as they plan for their election,
24 and frankly, I think they should be able to. You know, we
25 don't want a law that ignores that reality. So my point

1 is I think -- I think the law needs looking at from a
2 legislative perspective, and, you know, that's something
3 we can work on, you know, over across the street, but as
4 for the rule that's in front of us today, we basically
5 have, you know, a few options, and we can -- I'm open to
6 discuss all of them.

7 The rule we posted deals with the kind of early
8 voting. It lets you count early voting machines towards
9 election day. The benefit of that rule is it does
10 basically help counties more -- be able to comply with the
11 rule. The number of voting machines that we're -- that
12 the State is providing to the counties is sufficient to
13 meet the one to 250 ratio. I think one that we'll have to
14 -- that we'll be looking at as a State throughout this
15 year is now that we're going to a precinct scan optical
16 scanning system, it's going to require some changes. The
17 average precinct size in Georgia is about 2500. That's --
18 that size is fine. There are some precincts that are
19 much, much bigger than that, and with the DRE system, you
20 could do that. With a precinct-based scanning system,
21 we've done some calculations, and the real issue is about
22 throughput, basically, getting voters through the scanner,
23 and that's a step that we're adding.

24 So I basically say all that to say that's all the
25 things the rules working group is considering as we try to

1 solve this issue. Where we have it right now, I would
2 say, is there's not a very good solution, and I'm kind of
3 left with I think we need to look at what this law should
4 be.

5 And so, basically, for the Board today, there's the
6 rule we posted -- that we posted. We can adopt that and
7 kind of continue to work. There's the rule that we -- the
8 amended rule that we're proposing about subtracting
9 electors. As Ms. Eveler brought up, -- I think she's
10 correct -- that would -- that makes sense in a general
11 election, a November general election. It doesn't make as
12 much sense -- so basically, what that would mean is in a
13 really small turnout election, like a special election,
14 then kind of we have to have more equipment provided than
15 in a large turnout election. So it's not really a -- it
16 doesn't get to the aim of ensuring that voters don't have
17 to wait in a long line.

18 **MR. RAFFENSPERGER:** Okay.

19 **MR. GERMANY:** I don't -- I don't have a good
20 recommendation, but I'm happy to take any questions or
21 comments from the Board.

22 **MS. LE:** Did the working group consider -- what did
23 the working group and the counties thoughts of historical
24 -- you know, I'm just concerned. My biggest concern is
25 the definition of elector in the code book. I know it

1 just seems like we're taking the rule to make a practical
2 application, but the elector as defined in the code book
3 is pretty clear. But we're trying to find a practical
4 solution, and I actually like the reason for it. I'm just
5 concerned about number one, are we changing the
6 legislative intent from that standpoint or are we
7 considering -- the working group -- in terms of the
8 anomalies, you know, historically a certain percentage
9 shows up? Is there a range of plus or minus within that
10 that accounts for or just leave it up to the counties to
11 decide well, historically 25% so they're going to reduce
12 it accordingly?

13 **MR. GERMANY:** I think you have to leave it up to the
14 counties. Ms. Bailey and I discussed that. This year,
15 there's a presidential preference primary that, you know,
16 the real kind of race is on the Democrat -- who's going to
17 be the Democratic candidate? Ms. Bailey said, you know,
18 in Richmond County they're -- they're a heavily Democratic
19 county, so they're going to expect a lot of voters. A
20 heavy Republican county might not expect so many voters.
21 And so, I don't -- I don't think there's a good way for us
22 as a Board, you guys as a Board to do that or us as a
23 State, but, you know, that's -- to try to answer your
24 question, the proposed rule that I have in front of me
25 that we were considering for amending defines electors as

1 used in OCGA 21-2-367(b).

2 **MS. LE:** Narrowly adjusted that --

3 **MR. GERMANY:** So we're not trying to change it for
4 the whole code, just for that one --

5 **MS. LE:** -- and I get that.

6 **MR. WORLEY:** And if I -- Mr. Secretary, if I could --

7 **MR. RAFFENSPERGER:** Sure.

8 **MR. WORLEY:** -- speak to some of the discussions that
9 were had in the working group. I had a concern that the
10 rule as first drafted, which tried to calculate the number
11 of voting booths or enclosures available in the county
12 that might have been voted on already, was not really
13 practical for large counties as has been discussed because
14 it would allow a county like Fulton County to put as few
15 as one machine in a voting booth -- I'm sorry, in a
16 precinct and that that was just, you know, obviously not
17 correct. The other concern that we had was that the
18 statute says what the statute says: 250 voters per
19 machine, essentially, and that we really couldn't vary
20 that -- that that would require the General Assembly to
21 pass a new statute.

22 And so, we came up with this compromise that defines
23 electors as all those people who have not already voted on
24 election day, so the county essentially gets credit for
25 the fact that they have allowed early voting, that those

1 people will not be coming back to vote on election day,
2 and so you don't have to have an excess of machines for --
3 beyond what the statute requires for voters who are not
4 going to be appearing on election day. And I think the
5 feeling in the working group -- Ms. Sullivan could testify
6 to this or not -- was that this was a good compromise to
7 both adhere to the legislative intent and be practical for
8 counties to work with.

9 It's a very clear rule of thumb. As amended, the
10 rule would be very simple. It would just say as used in
11 OCGA 21-2-367(b), the term electors shall mean those
12 electors on the official list of electors for the precinct
13 who have not voted as of election day. Polling places
14 with assigned electors from more than one precinct shall
15 use the total number of electors assigned to the polling
16 place when calculating the minimum number of voting booths
17 or enclosures. So I think -- I think this is a good -- a
18 good compromise. It is true that this means that the
19 counties will put out too many ballot-marking devices in
20 the presidential primary, and they'll probably put more
21 than are absolutely necessary in the general primary in
22 May, but that's a distinction that the legislature did not
23 make, and I think -- I think the revised language, as I
24 said, is the best way to meet the legislative intent and
25 be practical for the counties. Thank you.

1 **MS. SULLIVAN:** Mr. Worley accurately stated and well
2 stated the discussion of the working group.

3 **MR. GERMANY:** I would add a couple of things if
4 that's all right, Mr. Chairman. One, and I think this
5 could, you know, help the counties, is the statute talks
6 about voting booths or enclosures. It doesn't talk about
7 electronic ballot markers. We already have, you know, in
8 the rules we've passed -- the rules we've just adopted a
9 provision where a county election superintendent can in
10 their discretion decide hey, if this line is too long, you
11 know, we can start using emergency paper ballots. So
12 conceivably they could have it -- they could do something
13 where they have additional voting booths, but not machines
14 in those booths, so basically, they hold for use if
15 needed. You know, if we're going to what the legislature
16 intended, you know, it's about voting booths or
17 enclosures.

18 The other thing that I think Ms. Eveler pointed out -
19 - the second sentence in our proposed amendment basically
20 says -- it kind of changed what the legislature did too.
21 The legislature said precincts. Ms. Eveler is asking that
22 we basically leave it at precincts, and I think that would
23 help the counties too, and I think maybe what we should do
24 is maybe take out that sentence, post it subtracting some
25 electors who have already voted, I think provides some

1 assistance to the counties, and then, basically work to
2 see if it's a statute that should be clarified and how we
3 should do that, taking into account the fact that one
4 ratio for every election, you know, is probably not the
5 best way to go about it.

6 **MR. RAFFENSPERGER:** So just to clarify, I think what
7 I'm hearing is that what we've posted, we don't want to
8 move forward on that.

9 **MR. GERMANY:** I think that accurately kind of
10 describes where the rules working group is.

11 **MR. RAFFENSPERGER:** Okay. Would we make to take a
12 motion on that to kill it or if we just don't approve it,
13 it just dies on the vine.

14 **MR. GERMANY:** I would say it just dies on the vine.

15 **MR. RAFFENSPERGER:** Okay. So then what we have
16 before us is the red letter outline right here, but what
17 you're actually proposing is to tweak it further. And
18 before we get to that point, what I would -- because we
19 are moving relatively expeditiously, I assume that since
20 Ms. Bailey from Richmond County is on the working group
21 that this is something that works for her area and the
22 people that she's talked to. And then, the question that
23 we really have is our large metro counties, is this
24 something that I think they're -- do they feel that it
25 would still need further tweaking? At the end of the day,

1 what we want to make sure is that we don't have long
2 lines.

3 **MR. GERMANY:** That's right.

4 **MR. RAFFENSPERGER:** If you look -- read most papers
5 that are put out, they talk about 30 minutes is kind of,
6 like, the standard, and so, we understand that. So we
7 want to make sure that we're moving people through the
8 lines. That's very important, I think, for everyone
9 involved to have a good voting experience. So to just get
10 where we are, in other words, some of the counties may
11 actually have more machines than they want to have because
12 they say that people won't be there, but it's better to be
13 on that side than on the other side where you don't have
14 enough machines, and you have lines that are 45 minutes to
15 an hour. And so, --

16 **MR. GERMANY:** I think that's -- I think that's right,
17 and I think that is where we should be. I don't think
18 that the number of voting machines and the lines are
19 always sort of correlated. There's other reasons for
20 lines. I think that's kind of the flaw in the statute. I
21 think the point of the statute is to ensure that there's
22 not long lines. A ratio of voting booths I don't really
23 think is the best way to do that, and so, to answer your
24 question, I think passing this rule helps the counties. I
25 don't think any county is going to love it. I think -- I

1 guess they're not going to. But -- and the real flaw, I
2 think Ms. Bailey pointed out and Ms. Eveler as well, it
3 doesn't take into account the reality that not every
4 election is the same. A -- a PPP is not the same as a
5 November general election, and county election officials
6 know that, and they take that into account. Having to
7 spend time putting out extra machines --

8 **MR. RAFFENSPERGER:** I agree.

9 **MR. GERMANY:** -- might not really help in terms of
10 getting the most people through in the most efficient way
11 possible, and that's what every county officer that I
12 know, that's what they want to do in every election. So -
13 - sorry.

14 **MR. WORLEY:** I certainly appreciate what Mr. Germany
15 is saying and what the county officials are saying, the
16 ones who have commented on the revision, but I don't see
17 any way around that at this point without getting the
18 General Assembly to do something about the statute. And
19 so, it seems it falls to us to come up with a rule that,
20 you know, meets that requirement, but, you know, is
21 practical. If we don't -- if we don't pass a rule, we
22 won't, you know, they won't be able to take into account
23 people who have already voted before election day, so I
24 think -- I think the rule as in our booklets is the right
25 way to go right now, and then we can look and see if that

1 needs to be changed or modified.

2 **MR. RAFFENSPERGER:** I agree. To your point, are
3 there any additional tweaks of this, or is this as is?
4 Did you -- I thought you offered --

5 **MR. GERMANY:** I would -- I would say --

6 **MR. RAFFENSPERGER:** Where exactly --

7 **MR. GERMANY:** It was based on Ms. Eveler's comment
8 that, you know, the second sentence -- the sentence
9 basically in black in y'all's binder, polling places with
10 assigned electors more than one precinct, you know, what
11 we're saying there -- and I think it makes sense -- is
12 that sometimes people, voters from more than one precinct,
13 will vote in the same polling place. That occurs
14 basically when -- if you have a -- polling places are not,
15 you know, grow on trees, as county officials will tell
16 you, and, you know, especially now, many counties are
17 facing pressure from schools to not use schools as polling
18 places due to basically safety -- safety concerns. So if
19 you have a really good polling place, you know, sometimes
20 people will use them -- you know, lot of parking, good
21 accessibility, a lot of good space -- they'll use it for
22 more than one precinct.

23 **MR. RAFFENSPERGER:** Well, so, what is the final
24 wording that you would like to see us move forward with
25 the motion?

1 **MR. GERMANY:** I would post -- I think we post the,
2 basically, the first sentence as used in -- post for
3 public comment and just kind of knowing that it's not a
4 perfect solution really for anybody, but I think Mr.
5 Worley pointed out, it's basically what we can do right
6 now. As used in OCGA 21-2-367(b), the terms electors
7 shall mean those electors on the official list of electors
8 for the precinct who have not voted as of election day.

9 **MR. RAFFENSPERGER:** Period.

10 **MR. WORLEY:** And then take out the final sentence.

11 **MR. GERMANY:** Yes.

12 **MR. WORLEY:** I'm fine with that.

13 **MR. RAFFENSPERGER:** Do we have a motion or any
14 further discussion?

15 **MR. WORLEY:** I would make a motion that we post for
16 public comment rule 183-1-13-.01, minimum number of voting
17 booths, that states as used in OCGA section 21-2-367(b),
18 the term electors shall mean those electors on the
19 official list of electors for the precinct who have not
20 voted as of election day.

21 **MR. RAFFENSPERGER:** Do we have a second?

22 **MS. SULLIVAN:** Second.

23 **MR. RAFFENSPERGER:** Any further discussion? Hearing
24 none, all those in favor of posting rule 183-1-13-.01 as
25 presented by Mr. Worley, please do so by signifying aye.

1 **THE BOARD MEMBERS:** Aye.

2 **MR. RAFFENSPERGER:** Any opposed? Motion carries. It
3 will be posted.

4 **UNIDENTIFIED MAN:** Is there any way we could discuss
5 this? No?

6 **MR. GERMANY:** The next -- the next rule is rule 183-
7 1-14-.02. It deals with advance and absentee voting.
8 This is one similar to rule 12 that I would ask that we
9 adopt the rule that was posted last month, and then, we'll
10 -- I can go through these revisions based on the comments
11 and the rule working group review.

12 **MR. WORLEY:** I'll make a motion that we adopt rule
13 183-1-14-.02, advance voting, as posted at our last
14 meeting.

15 **MR. GERMANY:** And, Mr. Worley, I would just ask that
16 it -- it also contains other sections in chapter 14.

17 **MR. RAFFENSPERGER:** It has --

18 **MR. WORLEY:** Oh, excuse me. I'm sorry. Then I would
19 revise that. Yeah. I would make a motion then that we
20 adopt rule 183-1-14-.02, --

21 **MS. SULLIVAN:** They're listed on your agenda.

22 **MR. WORLEY:** -- 183-1-14-.11, 183-1-14-.12, and -.13
23 as adopted from posting at our last meeting.

24 **MR. RAFFENSPERGER:** Do we have a second?

25 **MS. SULLIVAN:** Second.

1 **MR. RAFFENSPERGER:** Do we have discussion on the
2 rules that were previously posted as a motion before us?
3 Hearing none, all those who approve those rule changes as
4 presented by Mr. Worley please do so by signifying aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. RAFFENSPERGER:** Any opposed? Motion carries.

7 **MR. GERMANY:** Next, I'll go through the proposed
8 amendments to post to the -- to those rules. The first
9 one reflects basically kind of through a typo, and the GMA
10 and some cities brought this to our attention in comments
11 that cities and municipalities will still be able to use
12 hand-marked paper ballots for advance voting. This --
13 this rule mistakenly implied that they wouldn't be able
14 to, so we're proposing to fix that. This makes some
15 similar changes that we made in chapter 12 about posting
16 advance voting locations not just on the webpage but on
17 the county's -- the county board of elections homepage to
18 kind of try to account for the fact that it doesn't get
19 lost. It's easier to find for people.

20 This makes some additional similar changes that were
21 in chapter 12 based on the Matt Bernhardt study from the
22 University of Michigan that the real intervention that is
23 shown to be helpful is at the polling place scanner,
24 telling people to review their paper ballot at that point,
25 so we put that in a rule. We also add in here, as in

1 chapter 12, that -- this is based on some observations
2 from the pilot county, from the pilot county in November -
3 - that the poll officers stationed at the scanner should
4 not be the person who is also dealing with questions of
5 people at the ballot-marking devices, so it clarifies that
6 there needs to be a different person who is basically
7 assigned to the enclosed space to deal with voters, so
8 that that the person at the scanner can stay at that
9 station.

10 And that is one thing, and I know, Secretary, you
11 brought this up earlier this week, in that I do think
12 there are going to be additional poll workers needed for
13 this year, just like there was when we moved for the first
14 time to the new system. And I know counties recognize
15 that as well, so that's a process that's underway to help
16 them recruit. You know, anybody who wants to volunteer to
17 be a poll worker with all the people here interested in
18 elections, it's a great way to get involved. So there's -
19 - we would do that. It clarifies some options that if a
20 voter -- if there's an error, what a county does and how
21 they document that, whether or not the machine brings up
22 the wrong ballot or if there's an error on the printed
23 paper ballot.

24 And then, another substantive change is in the rule
25 that we just adopted, the county has to give -- there's

1 basically a period -- HB316 passed a requirement that
2 allows voters whose signatures don't match on an absentee
3 ballot or who forget to sign their absentee ballot to have
4 a process to cure that -- that mistake. And the proposed
5 rule dealt with okay, basically after early voting ends,
6 the counties need to get those rejection notices out ASAP,
7 next day. In speaking with some commenters and some
8 counties, there's a proposal to basically back that up all
9 the way through the second Friday before the election, so
10 an absentee ballot comes in, the second Friday or later,
11 the county needs to get out a rejection notice the next
12 day.

13 There was some concern in the working group that is
14 that workable for the counties, especially large counties
15 who might get thousands of absentee ballots in a day? The
16 initial reaction from the largest, from Fulton County, was
17 we think that's doable, and so I think it certainly should
18 be a goal, and if they think it's doable, then, you know,
19 I think it would be good practice. That's kind of the
20 last substantive change we'd be posting for public comment
21 today.

22 **MR. RAFFENSPERGER:** So we have before us the copy of
23 the proposed new rule with revisions. We've had a chance
24 to review that. Do we have any comments, any questions
25 for Mr. Germany?

1 **MR. WORLEY:** I would just comment, Mr. Secretary,
2 that the comments that we've received were very good and
3 thoughtful, and we have endeavored to adopt those or make
4 sure that the rules reflected those, most importantly,
5 that instructions to review the ballot will be given at
6 the end of the process before it's deposited in the
7 scanner, which the studies show is most effective, and I
8 am especially pleased with the revisions for these rules
9 in the notifications relating to absentee ballot
10 rejections. That period is which that has to occur is
11 very clear. The counties are very clearly instructed what
12 they need to do that they need to try to reach out in
13 addition to mailing by phone or email to end that process,
14 and I think it's a very, very great improvement in our
15 rules, so I'm very much in favor of these revisions.

16 **MR. RAFFENSPERGER:** Also, I'd like to commend the
17 working group. I know you've put an awful lot of hours
18 into this. You've had a lot of input from everyone, but
19 you've really been working hard to really perfect, you
20 know, what we're trying to do. It's still a work in
21 progress. We are open to taking more, obviously, input.
22 We'll have some more rules posted today, but at this time
23 I guess we're ready for a motion on that section, if you'd
24 like to. Does anyone want to make a motion?

25 **MR. WORLEY:** Sure. I will. I make a motion that we

1 adopt for public posting and public comment the revised
2 rule 183-1-14-.02 on advance voting, the revised rule 183-
3 1-14-.11 on mailing admissions of ballots -- well, that
4 wasn't actually revised, so we don't need to do that, but
5 -- so let me start over. I'm sorry.

6 I make a motion that we adopt the revised rules for
7 posting and public comment rule 183-1-14-.02 on advance
8 voting and 183-1-14-.13 on prompt notification of absentee
9 ballot rejection.

10 **MR. RAFFENSPERGER:** Do we have a second?

11 **MS. SULLIVAN:** Second.

12 **MR. RAFFENSPERGER:** Do we have a discussion on the
13 motion? All those in favor of posting 183-1-14-.02 and
14 183-1-14-.13 as outlined by Mr. Worley, please do so by
15 signifying aye.

16 **THE BOARD MEMBERS:** Aye.

17 **MR. RAFFENSPERGER:** Any opposed? Motion carries.

18 **MR. GERMANY:** The final rule that we posted last time
19 is chapter 183-1-15-.02, definition of a vote. We don't
20 have any proposed amendments to that rule, so I would ask
21 that the Board adopt the rule as posted last month.

22 **MR. RAFFENSPERGER:** Do you believe that clears up
23 some of the questions that were raised today in the public
24 comment phase? I think some of the speakers today were
25 asking about, you know, clearing up exactly what is the

1 vote.

2 **MR. GERMANY:** I believe it does.

3 **MR. RAFFENSPERGER:** Do we have any discussion from
4 any members of the Board? Hearing none, is this time for
5 a motion?

6 **MS. SULLIVAN:** I move to adopt rule 183-1-15-.02,
7 definition of a vote, as was originally posted.

8 **MR. RAFFENSPERGER:** Do we have a second?

9 **MR. WORLEY:** Second.

10 **MR. RAFFENSPERGER:** Do we have any further
11 discussion? Hearing none, all those in favor of adopting
12 183-1-15-.02, please do so by signifying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed? Motion carries.
15 Okay.

16 **MR. GERMANY:** Thank you, Mr. Chairman.

17 **MR. RAFFENSPERGER:** I think that concludes our
18 business. Does anyone have any other business to bring
19 before the Board today?

20 **MR. WORLEY:** I don't have any other business, but I
21 did want to point out for the visitors in the audience
22 that -- who had not had a chance to see these rules yet,
23 they will be posted in the next day or so, that the
24 changes that were adopted today have made some significant
25 improvements in the rules that we passed a month ago

1 namely empowering voters to verify their paper ballot in a
2 way that strengthens the audit integrity, to promote a
3 consistent and fair treatment of provisional voters, to
4 preserve the intent of HB316 with respect to the number of
5 voting machines, to increase election administrative
6 transparency and engender public confidence, and to
7 provide for a defined number of emergency ballots in every
8 precinct in the state. I think these are all good
9 changes. I think there are other changes that can be made
10 based on the comments that we've received, and I know the
11 members of the Board and the working group are certainly
12 going to be looking at those -- continuing to look at
13 those as the process of installing and operating the new
14 voting system goes forward.

15 **MR. RAFFENSPERGER:** Any other members like the
16 comment? Well, I'll just conclude with saying thank you
17 to everyone that's here today. Also, I see sitting, my
18 good friends our county election officials, and so I think
19 we're learning today maybe from the county perspective on
20 the number of machines we have in place. It may not be
21 the perfect answer. I'll remind everyone we are in the
22 legislative session. If we need to go back to the General
23 Assembly, you know, we may have the time to do that, at
24 least for elections going forward sometime, depending on
25 when we move forward. Also, we will continue to have

1 discussions with everyone. I saw representatives from
2 ACCG, who represent the counties. We want to make sure
3 that they're, you know, brought into the process, and I
4 really -- I want to thank the people who offered their
5 positive and constructive comments today and also the
6 working group. I know how hard -- how much effort you all
7 put into this. You all have day jobs, so thank you very
8 much and with that we're adjourned. Do we need a motion?
9 Motion to adjourn.

10 **MS. SULLIVAN:** Second.

11 **MR. WORLEY:** Second.

12 **MR. RAFFENSPERGER:** All those in favor?

13 **THE BOARD MEMBERS:** Aye.

14 (Meeting adjourned)
15

CERTIFICATE

STATE OF GEORGIA

COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 89 constitute a true, correct and accurate transcript of the testimony heard before me, an officer duly authorized to administer oaths, and was transcribed under my supervision.

I further certify that I am a disinterested party to this action and that I am neither of kin nor counsel to any of the parties hereto.

In witness whereof, I hereby affix my hand on this, the 24th day of February, 2020.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256